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Attorney for Plaintiff Stephenie Sapp

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

STEPHENIE SAPP

Plaintiff,

vs.

HECTOR ROMERO-MORAN,

Defendant.

Case No.: 8:19-cv-00032-JVS-DFM

SUPPLEMENTAL DECLARATION  
OF CHARLES CARREON IN  
SUPPORT OF EX PARTE  
APPLICATION TO EXTEND CASE  
MANAGEMENT DEADLINES

STATUS CONF: Monday, April 15,  
2019 at 10:00 AM

**DECLARATION OF CHARLES CARREON**

Charles Carreon declares and affirms:

I am an attorney licensed to practice before all courts in the State of California and a member of the bar of this Court. I state the matters herein of personal knowledge. If called as a witness, I could and would so competently testify.

1. I am the attorney for plaintiff Stephenie Sapp, and submit this declaration is in support of the previously-filed Ex Parte Application to Extend Case Management Deadlines (the "Ex Parte Application," Docket # 10), to update the Court regarding the status of my efforts to serve defendant and get counsel appointed by California Insurance Guarantee Association ("CIGA").
2. As noted in my declaration in support of the Ex Parte Application, defendant Hector Romero-Moran ("Defendant") was insured by Access

1 Insurance, a failed Texas insurance carrier that is in liquidation, and whose  
2 responsibilities of defense and indemnity have been assumed by CIGA.

- 3 3. As further noted in my declaration, a person at the address on Defendant's  
4 California DMV application ("Defendant's legal address") told the process  
5 server I sent to serve him that he no longer lived at Defendant's legal  
6 address. Because I believed that Defendant was perhaps declining to  
7 identify himself to evade service of process, I advised the Court that I  
8 would seek to obtain Defendant's photograph from the DMV.
- 9 4. I did send an official Information Request to the DMV, and received an  
10 official copy of the Driver's License Application, that shows Defendant's  
11 legal address on it; however, I did not receive a photograph, and upon  
12 further inquiry, was informed by an attorney in the Legal Affairs that  
13 license photographs are not disclosed to attorneys in civil actions without a  
14 Court Order.
- 15 5. Accordingly, I reviewed the law of substituted service, and determined that  
16 under California Code of Civil Procedure § 415.20, the substituted service  
17 statute, Defendant could be effectively served at Defendant's legal address,  
18 because C.C.P. § 1808.21 (c) provides that "Any person providing the  
19 department with a mailing address shall declare, under penalty of perjury,  
20 that the mailing address is a valid, existing, and accurate mailing address  
21 and shall consent to receive service of process pursuant to subdivision (b)  
22 of Section 415.20...." Defendant's legal address was also recorded on the  
23 police report recording the defendant's involvement in the accident as being  
24 on his driver's license he provided to the Sheriff who investigated the  
25 accident and filed the report.
- 26 6. I therefore directed the process server to continue his efforts to serve the  
27 Defendant at Defendant's legal address, and if he was unable to deliver the  
28

1 papers to a person answering to the name of Hector Romero-Moran on the  
2 third attempt, to make substituted service on any adult in charge of the  
3 residence, and to obtain that person's name and description. The process  
4 server complied with my directions, and made substituted service on  
5 Defendant on March 18, 2019 at Defendant's legal address by delivering  
6 the summons, complaint and other documents commencing the action to a  
7 Hispanic gentleman who declined to provide his name. This gentleman  
8 was described by the process server as 5 feet 7 inches tall and  
9 approximately 185 pounds. The Defendant's driver's license application  
10 shows him to be a Hispanic male, 5 feet 7 inches tall, and 200 pounds.

- 11
- 12 7. I completed substituted service on Defendant by mailing the summons,  
13 complaint and other documents commencing the action to Defendant's  
14 legal address.
- 15 8. I also contacted CIGA for the second time by telephone on March 26, 2019,  
16 and advised "Bob" of the status of this action, and requested that he act  
17 with alacrity to notify the attorneys in charge of claims-handling to appoint  
18 counsel to handle Defendant's defense. Additionally, along with the cover  
19 letter attached as Exhibit A, I mailed a full set of all of the documents  
20 commencing the action and all other documents filed in the action by  
21 myself and the Court to the following address, that "Bob" at CIGA advised  
22 was the appropriate address:

23 Access Insurance Company in Liquidation  
24 PO Box 620430  
25 Atlanta, GA 30362

- 26 9. I also emailed a copy of all the documents commencing the action and all  
27 other documents filed in the action by myself and the Court to the  
28 following email address, that "Bob" at CIGA advised was the appropriate  
email address: [accessclaims@cb-firm.com](mailto:accessclaims@cb-firm.com).

10. Accordingly, I respectfully submit that I have acted with reasonable diligence in attempting to procure jurisdiction over the defendant and notify CIGA regarding the status of this litigation, and request that the Court grant the continuance requested in the Ex Parte Application (Docket # 10.)

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the law of the United States of America, and that this declaration was signed on March 27, 2019, at Tucson, Arizona.

/s/Charles Carreon  
Charles Carreon, Declarant

# EXHIBIT A

# CHARLES CARREON

LAW FOR THE DIGITAL AGE

March 27, 2019

Via Email: [accessclaims@cb-firm.com](mailto:accessclaims@cb-firm.com)

Access Insurance Company in Liquidation  
PO Box 620430  
Atlanta, GA 30362

**Re: *Sapp v. Romero-Moran, USDC Central Dist. Cal. Case # 8:19-cv-00032-JVS-DFM***

***ACCESS Claim #: ACI0487166***

***Policy #: ACA023061001***

***Your Insured: Hector Romero-Moran***

***Date of Injury: 01/14/2017***

***Claimant: Stephenie Sapp***

Dear Sir or Madam:

Please find enclosed the following documents commencing a Federal court action now pending before the Hon. James V. Selna in the Central District of California against Access insured Hector Romero-Moran. Service on Mr. Romero-Moran was at the address on his California Driver's License Application was completed on March 20, 2019.

Please appoint defense counsel for this insured as soon as possible for this Access insured, as I will find it necessary to move for a default judgment promptly upon the elapsing of the 21 days allowed for Mr. Romero-Moran to file his responsive pleading, i.e., on or about April 11, 2019.

Very truly yours,



Charles Carreon

Enclosures

cc: S. Sapp

File